IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.923 OF 2005

A.Q.A. Shaikh & ors. .. .. Petitioners
v/s.
Union of India & ors. .. .. Respondents

Ms.Nandini Menon with Mr.B.V.Phadnis for petitioners.

Mr.Suresh Kumar with D.A.Dubey for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATE : 27TH APRIL 2005

P.C. :

1. Heard the learned Counsel for the parties. The petitioners have filed an Original Application which is pending in the Central Administrative Tribunal disputing the promotion of some others and claiming certain posts to them. An interim order was sought seeking stay of the promotion order dated 20th January 2005 in favour of some of the respondents. The Tribunal has noted that the said order has already come into force and, therefore, obviously the same could not be stayed. It is this order of the Tribunal which is under challenge.

2. It happens that in all such matters the promotions which are under challenge are always subject to the result of the petition. The Government requires the persons to function on the promoted posts. The persons concerned will continue to work on those posts until the Original Application is decided. They cannot be reverted nor can any interim order be granted, the effect of which will be to stay such promotions. There is no error on the part of the Tribunal. The petition is, therefore, rejected.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)